

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 29, 2003

D042967 Shaw F. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. Benke, J.; We Concur: McConnell, P.J., Haller, J.

D042656 Saddleback Canyons Conservancy et al. v. County of Orange et al., County of Orange Probation Department

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 20(c)(2)). Each party to bear own costs on appeal.

D043236 Swafford v. Workers' Compensation Appeals Board/City of San Diego

The petition is denied.

D043254 Fastrucking. Com v. Superior Court of San Diego County/Gary Davis et al.

For good cause shown the Superior Court of San Diego County is ordered to show cause why the relief requested should not be granted. Real Parties are to respond on or before January 20, 2004. Petitioner may reply on or before February 9, 2004. The parties may request oral argument on or before February 9, 2004. Absent such request, oral argument will be deemed waived.

Petitioner's motion to augment the record is denied.

All proceedings in the trial court are stayed pending further order of this court.

D043377 In re Bland on Habeas Corpus

The petition is denied.

D043358 Yeager v. City of San Diego

Appellant's motion for continuance for answer to vexatious litigant question is denied. Appellant having failed to file an application for permission to appeal and obtain an order permitting the filing of the appeal pursuant to this court's order of December 9, 2003, the appeal filed with the superior court on November 21, 2003 is dismissed.

D043451 People v. Slaven

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 30, 2003

D039721 People v. Hooper

The additional term imposed as a sentence enhancement under section 12022.53 is modified to 10 years. As modified, the judgment is affirmed. The superior court is directed to prepare and transmit to the Department of Corrections an amended abstract of judgment consistent with this opinion. Irion, J.; We Concur: Nares, Acting P.J., Aaron, J.

D040487 People v. Shaw

The judgment is affirmed. Huffman, J.; We Concur: McConnell, P.J., O'Rourke, J.

**D040957 Denardi Equipment Company, Inc., a Division of Construction Machinery, Inc.
v. Construction Notice Services, Inc.**

The judgment is affirmed. CNS is awarded costs on appeal. Huffman, Acting P.J.; We Concur: Nares, J., Irion, J.

D040970 General Atomics v. County of San Diego

The judgment is affirmed. Nares, J.; We Concur: Huffman, Acting P.J., Aaron, J.

D041112 People v. Alvarez

The condition of probation prohibiting Alvarez from associating with any known gang member or persons associated with the Valleros gang is modified to read: "b. Not associate with any known gang member or persons who are associated with the Valleros gang, with the exception of Alvarez's brother Joel Alvarez." The trial court is directed to prepare an amended commitment order and to forward a certified copy to the appropriate authorities. As modified, the judgment is affirmed. O'Rourke, Acting P.J.; We Concur: Irion, J., Aaron, J.

D041113 People v Medina

The judgment is modified by striking the parole revocation fine under section 1202.45. As so modified, the judgment is affirmed. CERTIFIED FOR PARTIAL PUBLICATION. Aaron, J.; We Concur: Nares, Acting P.J., McIntyre, J.

D042075 Bivens v. Fry's Electronics

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 20(c)(2)).

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
December 31, 2003

D042105 In re Joe R., a Juvenile

The judgment committing Joe to CYA is affirmed. The matter is remanded to the juvenile court so that, in accord with Welfare and Institutions Code section 702, it may declare the character of each of Joe's true findings for possession of a concealable firearm and grand theft as felony or misdemeanor and modify the maximum term or the commitment to CYA if either or both of the offenses are found to be misdemeanors. Nares, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

D042034 People v. Thornton

The petition for rehearing is granted.

D042373 In re Hendrix on Habeas Corpus

The petition is denied.

D043404 In re Smith on Habeas Corpus

The petition is denied.

D042802 Rodriguez v. Metabolife International, Inc.

The appeal is dismissed pursuant to California Rules of court, rule 17(a).

D043494 Murphy v. Superior Court of San Diego County/People

The petition is denied.

D043419 Supko v. Superior Court of San Diego County/People

The petition is denied.

D043500 Checks Cashed For Less Inc. et al. v. Superior Court of San Diego County/Beach

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
January 2, 2004

D043285 In re the Marriage of Chavira

Pursuant to California Rules of Court, rule 8, the appeal filed October 31, 2003, is dismissed for appellant's failure to timely designate the record (Cal. Rules of Court, rules 4(a) and 5(a)).